

12-28-06

JFW:CT

AMENDMENT TRANSMITTAL LETTER

Docket No.
11345/063001Application No.
10/533,848-Conf. #7896Filing Date
May 4, 2005Examiner
Not Yet AssignedArt Unit
Not Yet Assigned

Applicant(s): Hélène Bouilloux-Lafont, et al.

Invention: SELECTING ADVERTISEMENT ON A SET TOP BOX IN A TELEVISION NETWORK

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED						
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate		
Total Claims	12	- 20 =	0	x	50.00	0.00
Independent Claims	2	- 3 =	0	x	200.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>						
Other fee (please specify):						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:						0.00

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. _____ in the amount of \$ _____.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-0591
as described below.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

Dated: December 27, 2006


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22511



Application No. (if known): 10/533,848

Attorney Docket No.: 11345/063001

Certificate of Express Mailing Under 37 CFR 1.10

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 27, 2006
Date

Debra V. Wieser

Signature

22511

Debra V. Wieser

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Transmittal Form (1 page)
Request to Correct 371(c) Date, with 2 attachments (6 pages)
Return Receipt Postcard (1 page)



Docket No.: 11345/063001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hélène Bouilloux-Lafont et al.

22511
PATENT TRADEMARK OFFICE

Application No.: 10/533,848

Confirmation No.: 7896

Filed: May 4, 2005

Art Unit: Not Yet Assigned

For: SELECTING ADVERTISEMENT ON A SET
TOP BOX IN A TELEVISION NETWORK

Examiner: Not Yet Assigned

REQUEST TO CORRECT 371(C) DATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of New or Revised Projected Publication Date of October 26, 2006 (copy attached), Applicant respectfully requests that the 371(c) date of this Application be corrected from "June 25, 2006" to **January 25, 2006**.

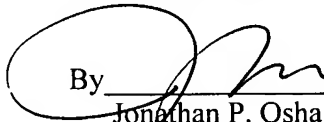
Enclosed is a copy of the Decision dated October 17, 2006, rendered by PCT Legal Examiner Bryan Lin concluding a date under 35 U.S.C. §371 (c)(1), (c)(2), and (c)(4) of 25 January 2006 for the above application.

Upon receipt of the Notice of New or Revised Projected Publication Date of October 26, 2006, which shows a filing or 371(c) date of June 25, 2006, Applicant contacted the Patent Office regarding the discrepancy. Per the telephone conference of December 21, 2006 with PCT Legal Examiner Bryan Lin, the 371(c) date for this application should have been shown on the Notice of New or Revised Projected Publication Date as stated in the Decision. Accordingly, appropriate correction is respectfully requested.

Because this is a PTO error, Applicant believes no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 50-0591, under Order No. 11345/063001 from which the undersigned is authorized to draw. If any issues arise with respect to this request, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below.

Dated: December 27, 2006

Respectfully submitted,

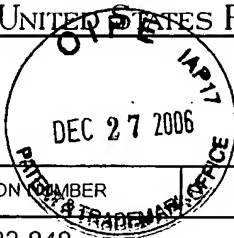
By 
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Attachments (Notice of New or Revised Projected Publication Date)
(Decision)



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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/533,848	06/25/2006	Helene Bouilloux-Lafont	11345/063001

22511
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Docketed Action:		
<input type="checkbox"/> New	<input type="checkbox"/> Previously	<input checked="" type="checkbox"/> Non Required
Docket Number: <u>11345/063001</u>		
Attorney Initials: <u>JPO/SMK</u>		
Docketing Initials: <u>ATE</u>		

CONFIRMATION NO. 7896

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Date Mailed: 10/26/2006

NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE

The above-identified application has a new or revised projected publication date. The current projected publication date for this application is 02/01/2007. If this is a new projected publication date (there was no previous projected publication date), the application has been cleared by Licensing & Review or a secrecy order has been rescinded and the application is now in the publication queue.

If this is a revised projected publication date (one that is different from a previously communicated projected publication date), the publication date has been revised due to processing delays in the USPTO or the abandonment and subsequent revival of an application. The application is anticipated to be published on a date that is more than six weeks different from the originally-projected publication date.

More detailed publication information is available through the private side of Patent Application Information Retrieval (PAIR) System. The direct link to access PAIR is currently <http://pair.uspto.gov>. Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Questions relating to this Notice should be directed to the Office of Patent Publication at (703) 305-8283.

PART 1 - ATTORNEY/APPLICANT COPY



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Docketed Action:		
<input type="checkbox"/> New	<input type="checkbox"/> Previously	<input checked="" type="checkbox"/> Non Required
Docket Number: 11345/063001		
Attorney Initials: JPo/Smm		
Docketing Initials: DWS		

In re Application of BOUILLOUX-LAFONT et al
U.S. Application No.: 10/533,848
PCT Application No.: PCT/EP02/50787
Int. Filing Date: 04 November 2003
Priority Date Claimed: 05 November 2002
Attorney Docket No.: 11345/063001
For: SELECTING ADVERTISEMENT ON A SET
TOP BOX IN A TELEVISION NETWORK

DECISION

This is in response to applicant's "Renewed Petition Under 37 CFR § 1.47(a)" filed 16 June 2006.

BACKGROUND

On 04 November 2003, applicant filed international application PCT/EP02/50787, which claimed priority of an earlier European Patent Office application filed 05 November 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 21 May 2004. The thirty-month period for paying the basic national fee in the United States expired on 05 May 2005.

On 04 May 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 September 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 25 January 2006, applicant filed a petition under 37 CFR 1.47(a).

On 17 March 2006, this Office mailed a decision dismissing the 25 January 2006 petition.

On 16 June 2006, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that joint inventors Helene Bouilloux-Lafont, Franck Bachet, and Axel Taldir cannot be reached. The petition sufficiently demonstrates that a diligent attempt was made to find the inventors. Two attempts were made to contact the inventors by postal mail (see affidavit of Isabelle Thibaudeau). Furthermore, petitioner unsuccessfully attempted to reach the inventors through their employer (see affidavit of Frederique Dersoir). Thus, it can be concluded with reasonable certainty that inventors Bouilloux-Lafont, Bachet, and Taldir cannot be reached.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 November 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 January 2006.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventors at the last known addresses of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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PCT Legal Office

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